

that intended to mean the same thing as any amendment to the constitution?

DELEGATE BOYER: Yes, it was. It was a little more encompassing, broader than any amendment. It would include amendment, proposal, resolution or anything else that might be included in such a proposal. It is broader than an amendment, but it did include the amendment to the constitution.

DELEGATE JAMES (presiding): Delegate Marion.

DELEGATE MARION: In the preceding section on the amendment of the constitution when it refers to an amendment being proposed by the affirmative vote of a majority of all the members of the constitutional convention, that could encompass either the concept of a single amendment, a limited amendment, an amendment to one or more sections, but not an entire constitution; or it could also encompass an amendment of the entire constitution by substituting the new constitution therefor. Is that correct?

DELEGATE BOYER: Yes. This was the intent, an interchangeable play of words; but it was the intent of the Committee to do just as you suggest, Delegate Marion.

DELEGATE JAMES (presiding): Does any other delegate wish to be heard?

Delegate Chabot.

DELEGATE CHABOT: May I also address a question to Delegate Boyer?

DELEGATE JAMES (presiding): Delegate Boyer, will you yield for a question?

DELEGATE BOYER: Gladly.

DELEGATE CHABOT: The provisions of section 10.02 provide for effective dates of amendments. I think that the product of the Committee on Style and Drafting with regard to those last few lines of section 10.03 would suggest that the same effective date provision, the 30 days unless the Convention provides otherwise, was intended to apply to something that comes out of section 10.03, that does not constitute an amendment but constitutes a completely new constitution.

What was the intention of the General Provisions Committee with regard to coordinating these two provisions regarding effective dates?

DELEGATE JAMES (presiding): Delegate Boyer.

DELEGATE BOYER: It was our intent, insofar as possible, to keep some continuity in the method of effective dates and proposal adoption or things like that. I do not see any dangerous precedent being set here.

The Style Committee has probably reverted to an unusual rephrasing in the last line of section 10.03, but to me it is perfectly clear what their intent was, and I found no problem with it.

DELEGATE JAMES (presiding): Delegate Chabot.

DELEGATE CHABOT: Then do I understand correctly that the intent of the General Provisions Committee in reporting these two matters out would be attained only if we used either the cross reference of Style and Drafting or if we repeated all the language at the end of section 10.02, including the effective date language?

DELEGATE BOYER: Yes, sir, this is exactly what I interpret it to be. By cross reference it would adopt exactly the same wording.

DELEGATE JAMES (presiding): Delegate Chabot.

DELEGATE CHABOT: May I speak for a moment against the amendment?

DELEGATE JAMES (presiding): The delegate may proceed.

DELEGATE CHABOT: Delegate Needle and Delegate Penniman both refer to rules adopted by the Style and Drafting Committee. These rules were not made in heaven; and they were designed to serve our convenience. I suggest that at this time the work of the Style and Drafting Committee in this small manner, violating one of its rules, more accurately reflects the intention of this body than the amendment presently before us.

I suggest that the only other way of preserving the rules and also getting the intention of this body, as indicated by Delegate Boyer just now, would be to repeat also the last sentence of section 10.02.

This amendment does not repeat it, and under the circumstances we would be left with a situation whereby an amendment coming out of a constitutional convention has an effective date provision written into it by the constitution, while the constitution coming out of the constitutional convention does not.

I suggest we will have more difficulties, rather than fewer, if we adopt the amendment.